UNITED STATES PATENT AND TRADEMARK OFFICE

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10/826,804	04/15/2004	Mitsuo Kimura	CFA00075US	1578

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CANON U.S.A. INC. INTELLECTUAL PROPERTY DIVISION
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EXAMINER
SARPONG, AKWASI

ART UNIT	PAPER NUMBER
4178	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>15 April 2004</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-17</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-17</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>15 April 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>04/15/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 13-17 claim "a program ..." However, the claims do not define a

program to be a functional descriptive material <u>encoded on a memory/disk/computer-</u>

<u>readable medium</u>, and is thus non-statutory for that reason (i.e., "When functional

descriptive material is recorded on some computer-readable medium it becomes

structurally and functionally interrelated to the medium and will be statutory in most

cases since use of technology permits the function of the descriptive material to be

realized"). Moreover, a "program" is neither a process ("action"), nor machine, nor

manufacture, nor composition of matter (i.e., tangible "thing") and therefore non-

statutory.

Such claimed "program" (software) does not define any structural and functional

interrelationships between the computer program and other claimed elements of a

computer, which permit the computer program' s functionality to be realized. As

such, "program"/software, not claimed <u>as embodied/encoded in computer-readable</u>

<u>medium</u> and is not statutory because the "program"/software is not capable of

causing functional change in the computer. Because the full scope of the claim as

properly read in light of the disclosure encompasses non-statutory subject matter,

the claim as a whole is non-statutory and appears to be one type of claim that is

considered nonstatutory, under the present USPTO Interim Guidelines, 1300 Official

Gazette Patent and Trademark Office 142 (Nov. 22, 2005).

The Examiner suggests amending the claim to include the disclosed tangible

computer readable media, while at the same time _excluding_ the intangible media such

as signals, carrier waves, etc...

Any amendment to the claim should be commensurate with its corresponding

disclosure.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form

the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Moyer

(2004/0010567).

Claim 1, Moyer discloses a method implemented on a server for notifying a

state of printing processing, the method being applied to a printing system in which the

server is capable of communicating with a client and a printer device (Section 0044, fig.

1), the method comprising:

generating data in accordance with a printing request received from the client

transmitting the data generated to the printer device (Section 0044, Lines 30-36)

and transmitting, to the client, information for acquiring a Web page indicating a

state of processing of a print job, the Web page being provided by the printer device.

(Section 0045, Fig. 2)

Claim 2, Moyer discloses a method wherein it further comprises authenticating

that the printing request is a printing request from a valid user (Section 0048, Fig. 3).

Claim 3, Moyer discloses a method wherein the printer device combines print

form data and the data generated by the server in order to generate image data and

prints the image data generated (Section 0045).

Claim 4, Moyer discloses a method wherein information for acquiring the Web

page indicating the state of processing of the print job comprises identification

information indicating the Web page (Sections 0070).

Claim 5, Moyer discloses a method wherein the client displays the state of

processing of the print job in a Web browser in accordance with the Web page

transmitted to the client (Section 0049, Fig. 4).

Claim 6, Moyer discloses a method implemented by a server for notifying a state

of printing processing, the method being applied to a printing system in which the server

is capable of communicating with a client and a printer device (Section 0044, Fig. 1,),

the method comprising:

generating data in accordance with a printing request received from the

client(Section 0044, Lines 1-20);

transmitting the data generated to the printer device; acquiring a Web page

indicating a state of processing of a print job, the Web page being provided by the

printer device (Section 0053) ; and transmitting, to the client, the Web page acquired

(Section 0085-0088).

Claim 7, Moyer discloses a method wherein the client displays the state of the

printing processing in a Web browser in accordance with the Web page. (Sections

0045, Fig. 3)

Claim 8, Moyer discloses an information processing device capable of

communicating with an external device (Fig. 1 El. 30) and a printer device (Section

0049), the information processing device comprising:

data generation means for generating data in accordance with a printing request

received from the external device (Section 0051)

data transmission means for transmitting the data generated in the data

generation means to the printer device (Section 0060) and

transmission means for transmitting, to the external device, information for acquiring a

Web page indicating a state of processing of a print job, the Web page being provided

by the printer device. (Section 0051)

Claim 9, Moyer discloses an information device that further comprising

authenticating means for authenticating that the printing request is a printing request

from a valid user (Section 0048).

Claim 10, Moyer discloses an information device wherein the printer device

combines print form data and the data generated by the server in order to generate

image data and prints the image data generated (Section 0052).

Claim 11, Moyer discloses an information device wherein information for

acquiring the Web page indicating the state of processing of the print job comprises

identification information indicating the Web page (Sections 0070).

Claim 12, Moyer discloses an information device, wherein the external device

displays the state of processing of the print job in a Web browser in accordance with the

Web page. (Sections 0049).

Claim 13, Moyer discloses a program for controlling a computer capable of

communicating with an external device and a printer device, (Fig. 1 El. 30) the program

causing the computer to execute a method comprising:

generating data in accordance with a printing request received from the external

device; transmitting the data generated to the printer device (Section 0051)

and transmitting, to the external device, information for acquiring a Web page indicating

a state of processing of a print job, the Web page being provided by the printer device

(Section 0051)

Claim 14, Moyer discloses a program that further comprises authenticating that

the printing request is a printing request from a valid user (Section 0048).

Claim 15, Moyer discloses a program wherein the printer device combines print

form data and the data generated by the server in order to generate image data and

prints the image data generated (Section 0052).

Claim16, Moyer discloses a program wherein information for acquiring the Web

page indicating the state of processing of the print job comprises identification

information indicating the Web page. (Sections 0049).

Claim 17, Moyer discloses a program wherein the external device displays the

state of processing of the print job in accordance with the Web page. (Section 0050).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to AKWASI M. SARPONG whose telephone number is

(571)270-3438. The examiner can normally be reached on Monday-Friday 8:00am-

5:00pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, HAI Tran can be reached on 571-272-7305. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. M. S

12/10/2007

/Hai Tran/

Supervisory Patent Examiner, Art Unit 4178